THE HON'BLE SRI JUSTICE C.Y.SOMAYAJULU

WRIT PETITION No.114 of 1996

27.7.2005

Between:

Smt.Kuruba Adilakshmamma, W/o.Arivappa,

Aged 50 years, r/o.Bandapalli, h/o.Mavaturu,

Penukonda Mandal, Anantapur District.

… Petitioner.

AND

1. The Mandal Revenue Officer, Penukonda, Anantapur District.

And another.

… Respondents.

ORDER:

Alleging that she is in possession of Ac.1.54 cents in Survey No.300-2B of Nagalur polam from 40 years and thereby perfected her title thereto by adverse possession and that respondents are trying to interfere with her possession high-handedly, petitioner filed this petition seeking a direction to the respondents that they cannot interfere with her possession without taking recourse to due process of law.

On behalf of respondents, first respondent filed his counter affidavit contending that Ac.1.54 cents in Survey No.300-2B was assigned to Julappa, S/o.Kasappa in D.A.R.Dis.88/71 dated 15.9.1961 and that he alienated the said land to his brother's daughters K.Adilaxmamma (petitioner) and K.Laxmamma, as per Document No.2245 dated 11.10.1984 and thus violated the terms of the grant and when some of the villagers made a representation for grant of house-site pattas, petitioner and K.Laxmamma were served with show cause notices whereupon they appeared before the first respondent on 11.9.1995 and agreed for resumption of the land in Survey No.300-2B1 to an extent of Ac.1.14 cents, and so first respondent resumed Ac.1.14 cents in Survey No.300-2B1 vide R.Dis.665/95 dated 16.9.1995 by

invoking the condition No.17 of D-Form patta, and granted house-site pattas to 30 beneficiaries. Since the petitioner, in the statement given to the first respondent on 11.9.1995, stated her age as 39 years, her contention that she is in possession of the land from 40 years cannot be true. Therefore petitioner is not entitled to any relief. Petitioner did not file any reply affidavait.

Prima facie, the contention of the petitioner that she is in possession of the land from 40 years cannot be accepted because even in the affidavit filed by her in support of this petition she mentioned her age as 50 years. Since petitioner did not dispute allegation in the counter affidavit that she gave her consent for resumption of the land which was gifted to her by the assignee, I find no merits in this petition.

Hence, the writ petition is dismissed. No costs.

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(**C.Y.SOMAYAJULU, J**)

July 27, 2005.

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